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The Idaho Courts Annual Report

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Budget Cuts Hit Courts in 1982

State Revenue Shortage Slows Operation

A projected state revenue shortfall estimated as high as $70 million left state agencies reeling from budget cuts in 1982. The judicial branch, while exempt from "holdbacks" under the "Separation of Powers Act of 1981" voluntarily reduced spending in 1982 as the Supreme Court sought to aid the Governor and legislators in coping with mounting state deficits.

Fiscal casualties included in-state and out-of-state education programs, including the annual magistrate's institute, specialty courses dealing with criminal law search and seizure issues, evidence, and the Uniform Commercial Code, as well as the 1982 Idaho Judicial Conference. Position hirings were postponed, circuit riding by trial judges to outlying communities was reduced, state law library purchases were cancelled and supreme court administrative staff salaries were frozen.

In December 1982, the Administrative Director of the Courts announced further delays in filling judicial positions in Nez Perce, Camas, Bannock, Jefferson, Teton, and Butte Counties, and Governor John V. Evans was asked to postpone appointing a new district judge in Ada County for three months. With the volunteer help of retired judges Arthur Oliver and James Towles, it was hoped that 1983 trial calendars could be kept from collapsing in Ada County, but it was uncertain whether further spending reductions would be necessary before the end of the fiscal year.

The judiciary was hard pressed to reduce spending by any significant amount in 1982, because of the personnel intensive nature of the state court system. Fully 92% of the judicial appropriation represents personnel costs, with statutory salaries representing 85%. The Administrative Office of the Courts has not added a single staff position in the last nine years despite a 160% increase in caseloads, a 20% increase in the number of judges and the addition of a new court of appeals. Thus, any spending reduction was liable to seriously effect court operations.

Highlights

DRUNK DRIVERS p. 4
While other traffic cases are down, drunken drivers are arrested at a record pace.

VOTERS UPSEAT JUDGES p. 8
For only the second time in 10 years, voters in two counties refused to retain their magistrate judge.

CASELOADS DECLINE p. 3
After a decade of steady increases, caseloads fell for the second straight year as Idaho feels an ecomomic pinch.

THE DISAPPEARING LAW p. 5
Idaho's twice-delayed Traffic Infractions Act is put off one more time, for court-supported amendments to do away with jail threats for non-payment of fines.

BIKE BILL SPARKS CONTROVERSY p. 8
Idaho's new bike code is either a disaster or a great reform, depending on your perspective.

JUDICIAL EXPENDITURES
AS A PERCENTAGE
OF TOTAL STATE EXPENDITURES
FISCAL YEAR 1982

As the year ended, court officials were attempting to make their case with state legislators to avoid further cutbacks: the judicial branch of government consumes only 1.6% of the state budget, and returns to state and local governments 60 cents of every dollar spent. Society's primary dispute settling mechanism is not an optional government program--it is a constitutional necessity.

New Chief Justice

Idaho has a new Chief Justice, and for the first time he'll be around for awhile, thanks to a new constitutional amendment.

See story on pg. 7

Appeals Court Bites Backlog

It took four years to eatablish. It was debated and dissected. Some called it unnecessary and duplicative, and the bill to create it barely made it through the legislature. But when the Idaho Court of Appeals opened its doors for business on January 4, 1982,it worked so well that it was hard to remember what all the controversy was about.

The first year results were superlative. The Court of Appeals reviewed 150 cases, issued 101 written opinions and won the immediate respect of the practicing Bar. By the end of 1982, the Court of Appeals had helped the Supreme Court cut over a month off the average time from filing to disposition of an appeal, and the Idaho Court of Appeals was an established institution.

During 1982, the Court of Appeals established the internal procedures which will govern its operations in future years: the Court will travel throughout the state, as Judge Roger Swanstrom describes, "to where the cases are;" the Court won't assign cases for opinion until after oral argument; and all three judges prepare equally for oral argument.

The new court promises to be innovative, as evidenced by Judge Don Burnett's maxim: "tradition alone is not an acceptable reason for perpetuating an appellate procedure."

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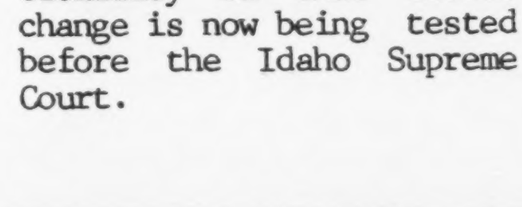
Juvenile Delinquency Complaints Drop For Second Straight Year

It's hard to tell just why, but despite public complaints about rising juvenile crime, the number of juvenile delinquency complaints being filed with the courts declined for the second straight year. The number of delinquency complaints (technically called Youth Rehabilitation Act "petitions") has remained at consistent levels for the past 9 years. In 1981, the total of new petitions decreased 9%, and in 1982 fell another 14% to a total of 5,961 petitions.

This sizable drop in new juvenile cases filed with the courts, when compared with Idaho's population growth over the same period and generally increasing juvenile crime rates of other states, probably evidences the successful efforts of courts and social agencies to divert less serious juvenile charges from the courts. With the leveling off in the number of youths placed in institutional settings reported by the state Department of Health and Welfare, along with the increased involvement of private citizens and agencies in prevention and treatment programs for juveniles, juvenile court caseloads are seen as favorable trends.



An additional factor in the drop of delinquency complaints may be the state's"get tough" attitude toward juvenile crime. In recent years the Idaho legislature has passed laws lowering the age at which a juvenile may be prosecuted (now 14 years) and requires a juvenile to be prosecuted as an adult for serious and violent offense. The constitutionality of that latter change is now being tested before the Idaho Supreme Court.

On The Record

"Our citizens' legal and constitutional rights must be protected, despite financial restrictions."

--Chief Justice Charles R. Donaldson, upon appointment as chief justice for the next four years.

"The advent of the Court of Appeals has reduced the length of time, from filing of Notice of Appeal to decision, in a sizeable number of cases. The effort of our Court has been very well received, and without the Court of Appeals there are 101 cases that probably would not have been decided on appeal during 1982."

--Idaho Court of Appeals Chief Judge Jesse R. Walters

"I do not believe there is any direct connection between habits learned when driving a bike and how someone will later drive a car. Under the present law, at least half of all kids don't stop at stop signs; therefore we are teaching them to disregard the law and not to follow the law. As to educating children, the significant lesson should be to warn children that when you are on a bike you are in danger. Basically, the present stop sign law is unenforceable."

--Lincoln County Magistrate Judge Daniel C. Hurlbutt, on the need for a new bicycle code (See story on page 8 .)

This Year In The Courts

APPELLATE FILINGS SET RECORD p. 2

The highest number of new appeals in Idaho's history dealt a blow to efforts to reduce pending cases before the Supreme Court and Court of Appeals.

IS THE DRUG PROBLEM WORSENING? p. 4

For the first time in several years, court filings show evidence of increased drug prosecutions.

TEACHING THE JUDGES p. 7

While the rest of the judiciary's judicial education program was scuttled by the state appropriations holdback, orientation training for new judges is alive and well.

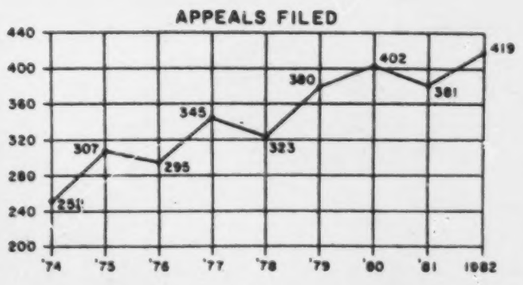
JURY INSTRUCTION MAY CHOP APPEALS p. 6

With the help of the Idaho Law Foundation, preprinted form jury instructions may reduce errors in the trial courts.

Appellate Filings Set Record

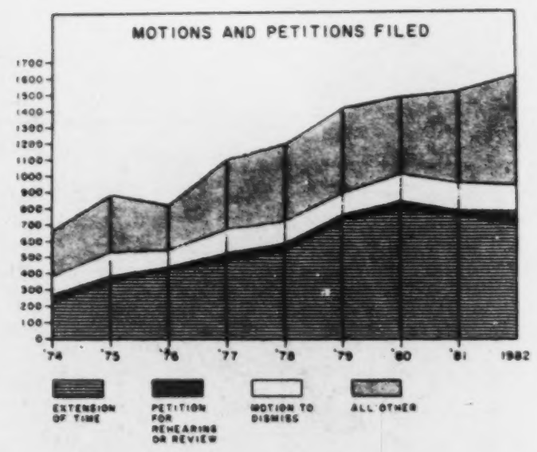
Perhaps no where else has the litigious nature of American society been more apparent that in the spiraling number of appeals. Increasing numbers of litigants are refusing to accept an initial court decision as final, and a "take it all the way to the top" attitude is flooding state and federal appellate courts throughout the country.

Idaho has not been an exception to national trends and while trial court caseloads are declining, appellate filings are reaching new heights. Another record was set, as 419 new appeals were filed with the Supreme Court in 1982, up 10% from 1981 and outdistancing the previous record 402 appeals set in 1980.

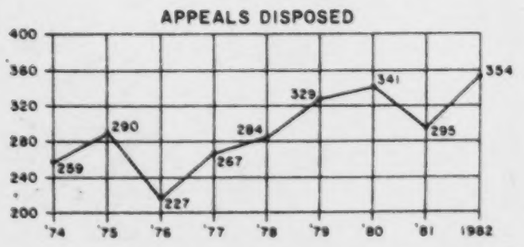


Despite the record filings in 1982, court officials point out that it is still too early to predict whether appeals might level off or even decline in the near future. The business recession and high unemployment may have a delayed dampening effect on appeals, and it is still early to determine whether the statutory increase in the interest rate on judgments and the presence of the Court of Appeals might reduce filings or lead to a higher rate of settlements before oral argument.

Petitions and motions dropped slightly in 1982, but continued to be a considerable strain on Idaho's appellate system. During 1982, 1,428 new petitions and motions were filed with the Court. The Justices dealt finally with 1,397. The number of new petitions and motions during 1982 decreased 5.2% from the 1981 record total of 1,507. Also filed with the Court during the year were 36 original proceedings and 3 attorney discipline matters. Some original petitions, like the challenge to the State Tax Commission's authority to oversee property tax levies, required substantial time and effort.



With the advent of the Court of Appeals, appellate dispositions reached an all time high during 1982. The two courts disposed of 354 appeals in 1982, a 3.8% increase from the record dispositions in 1980.



(Continued on Page 3)

Reversal of Ten-Year Trend

Caseloads Decline In Trial Courts

While the federal bankruptcy courts are booming, the general business recession and shortfalls in state and local government revenues appear to be having a negative impact on trial court workloads, as case filings fell for the second consecutive year.

After a 6% decline in new case filings in 1981, new cases coming into the courts dropped again in 1982,with the total filings in all courts of 296,733 dropping about 2% or 5,380.

Changing Growth Patterns

During the decade of the 1970's, new cases had been filed in the Idaho courts at an almost uniform 4-5% annual increase. State officials became accustomed to predictable growth and responded accordingly, by building new courtrooms and adding more judges to accommodate heavier workloads.

The growth in trial court business had a number of contributing factors during the 1970's, including the sharp growth of Idaho's population and the increased numbers of attorneys admitted to practice. Between 1970 and 1980, the state's population grew by 32% from 713,015 to 934,935, and the number of attorneys almost tripled, from about 600 to 1,632. While those factors continue to influence trial court business, the decline in case filings which first occurred in 1981 may signal a leveling off of growth or be the result of recessionary influences on the state economy.

Winners and Losers

Big losers in 1982 were civil cases in the district courts and traffic cases in the magistrate division. District court civil cases dropped from 6,036 new cases in 1981 to 5,573 filings in 1982, a 7.7% decrease.

Traffic cases shrunk by 5.5% in 1982, following a 1981 decline of 13% in new complaints filed with the courts. The 1982 total of 198,354 traffic complaints may reflect an exceptionally cold winter as well as erosions in funding for local law enforcement agencies or concentration on non-traffic enforcement.

Overall, magistrate division filings decreased 1.7% from 292,221 in 1981 to 287,240 in 1982. District court filings faded by 4%, from 9,892 in 1981 to 9,493 in 1982.

Small claims departments filings jumped again in 1982, up 15.7% from 14,217 in 1981 to 16,444 in 1982. Court watchers have speculated that impoverished plaintiffs are choosing to file suit against asset-poor defendants in the small claims departments, waiving balances of claims above $2,000, rather than paying attorney fees to gain a judgment in the magistrate division which might be uncollectable.

Dispositions Fall

Case filings alone do not tell the whole story of business in the trial courts. Trial judges report that individual cases have become more complex and that the time required to dispose of individual cases has expanded.

Reflecting the decline in new case filings, district judges and judges of the magistrate division disposed of 8.3% fewer cases in 1982 than in 1981, disposing of 290,740 cases during the past calendar year, as compared with 317,085 cases in 1981. The number of cases pending in the trial courts on December 31, 1982 was 49,579.

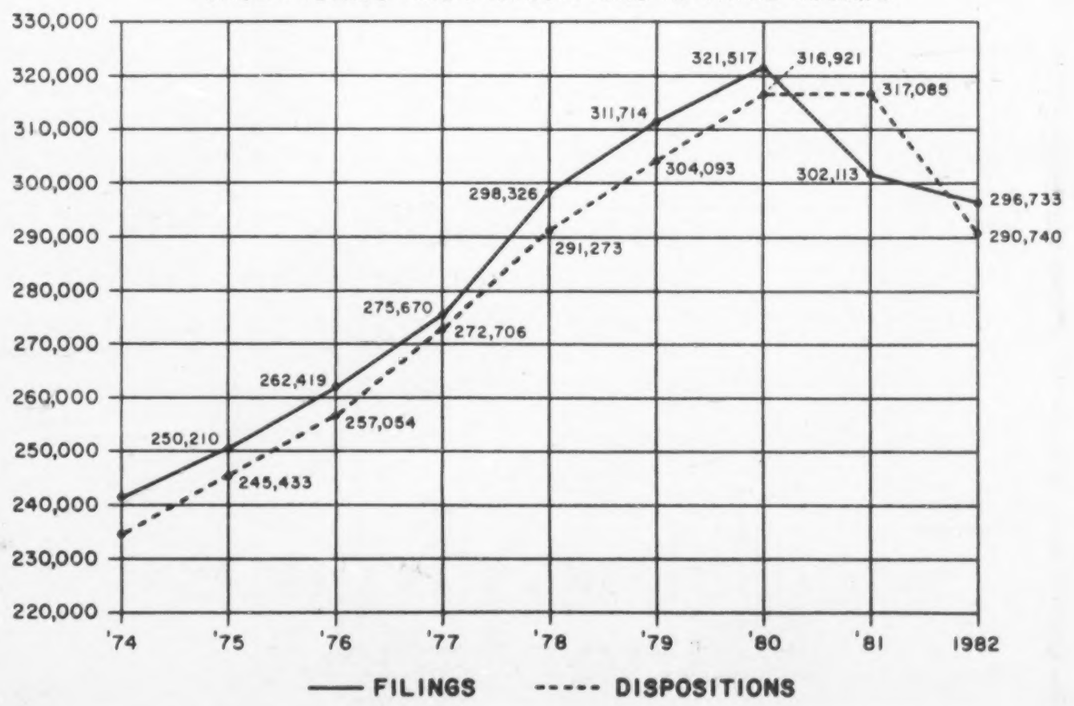
The average number of new cases filed for each district judge in the state in 1982 was 306 cases, while the average for judges of the magistrate division was 4,046 new cases. This compares with new case filings in the prior years of 324 cases per district judge and 4,116 new cases per magistrate judge. The district judges disposed of an average of 294 cases per judge during the year, while the judges of the magistrate division averaged 3,967 dispositions per judge.

Of the civil cases which received a final judgment in the trial courts in 1982, 9,922 or 21.6% were disposed of with a court or jury trial. On the criminal side, 98% of these cases were disposed of through pleas or dismissals, while 4,609 or 2% received a court or jury trial.

Details Available

Interested parties may obtain from the Administrative Office of the Courts detailed summaries by case type, showing filings, dispositions, and pending cases for the district court and magistrate division statewide,by district and by county.This report, normally distributed as part of the annual report, will be available only upon request due to revenue shortages.

CASE FILINGS AND DISPOSITIONS IN TRIAL COURTS



Appellate Filings Set Record . . .

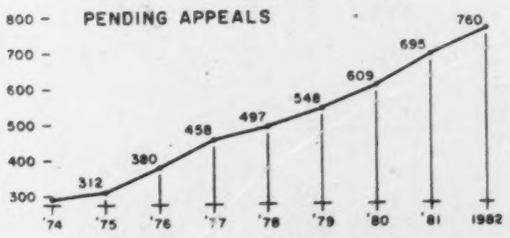
(Continued from Page 2)

During 1982 the Supreme Court produced 116 majority opinions, while the Court of Appeals published 101 opinions.

MAJORITY OPINIONS

Calendar Year	Sup.Crt. Opinions	Ct.ofApp. Opinions	Total Opinions
1982	116	101	217
1981	141		
1980	198		
1979	188		
1978	157		
1977	169		
1976	136		
1975	176		
1974	182		
1973	115		
1972	123		

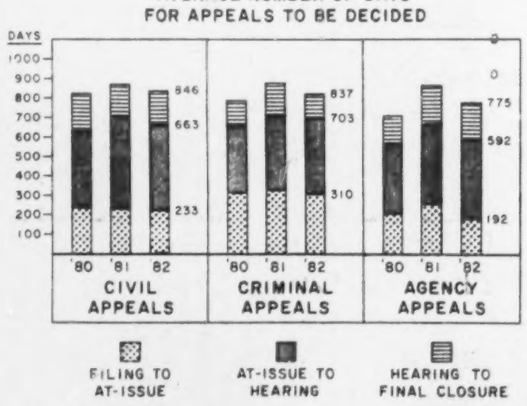
The total number of appeals pending has risen steadily and sharply since 1974. Despite the help of the Court of Appeals, pending appeals jumped again in 1982, but significantly less than would have been the case had the Court of Appeals not been in existence. At year's end there were 760 appeals which had been filed and were still awaiting final disposition.



Raw numbers of pending appeals do not tell the whole story: the amount of time people must wait to have their appeal decided is of more importance to individual litigants, and in this statistic there has been considerable improvement, largely as a result of the creation of the Court of Appeals.

During 1982 it took an average of 838 days from the time an appeal was filed with the Supreme Court until either the Supreme Court or Court of Appeals finally concluded its work on the case. This average was 35 days less than the average in 1981, and a full four and one-half months less than would have been the delay without the Court of Appeals.

AVERAGE NUMBER OF DAYS FOR APPEALS TO BE DECIDED



The Court of Appeals also helped cut down the total amount of time it takes from when a case is fully briefed and ready to be argued until oral argument is held by one of the two courts. For the first time in recent memory, attorneys and litigants did not have to wait for more than a year to argue their case before an appellate court.

The Idaho Courts Annual Report is published pursuant to Idaho Code § 1-612.

ON BEHALF OF THE SUPREME COURT OF IDAHO

Chief Justice Charles R. Donaldson

Justices: Allan G. Shepard, Robert E. Bakes, Stephen Bistline, Robert C. Huntley Jr.

BY THE ADMINISTRATIVE OFFICE OF THE COURTS

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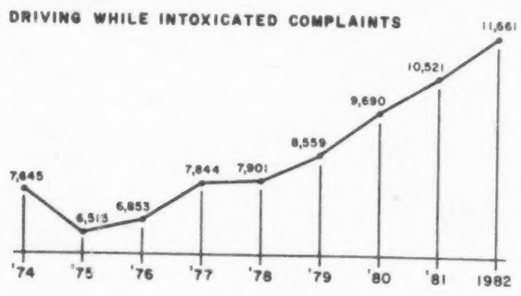
Alcohol-Related Driving Cases Continue To Accelerate

With pressure mounting on the Idaho Legislature to do something about drunk drivers, 1982 saw another sharp rise in the number of complaints charging defendants with driving under the influence of alcohol. On the heels of an 8% increase in 1981, drunk driving complaints jumped almost 11% in 1982, to the highest level in Idaho's history.

The number of complaints charging defendants with driving while under the influence of alcohol has risen steadily since 1975, from a low of 6,515 to a 1982 record high of 11,661 cases. These figures con-



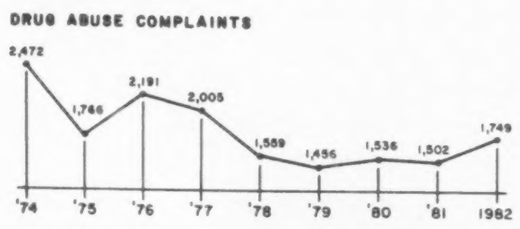
firm an undesirable trend upward in alcohol-related driving incidents brought to the attention of the courts. While more aggressive enforcement, rather than increased alcohol usage, could be a cause of the increased case filings, the 1982 level of alcohol-related driving cases is cause for concern for state officials and persons using the public highways.

The 1982 legislative session witnessed attempts to adopt mandatory jail sentences for persons convicted of driving under the influence of alcohol or drugs, but no one measure received approval of both houses before adjournment. The 1983 legislature is virtually certain to pass some mandatory minimum sentence legislation dealing with the convicted drunken driver.

Part of the pressure on the legislature stems from a public perception that DWI defendants are not being dealt with sternly enough by the courts. Judicial endorsement in some case-ending bond forfeitures, as well as statewide use of withheld judgments to avoid formal conviction (last year, approximately 40% of drunk driving defendants received withheld judgments) have lent credence to public complaints that judicial sentences are not detering drunk drivers.

Is The Drug Problem Worsening?

Law enforcement agencies have continued to voice concern over an alleged increase in the flow of illegal drugs into Idaho. Now, for the first time in several years, official court filings in 1982 show that prosecutions for drug offenses are on the increase.

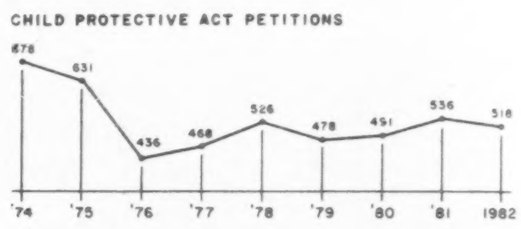


After a slight lapse in 1981, drug related complaints filed in the state courts took a sharp upward climb in 1982. There were 1,749 new drug abuse complaints filed in 1982, about a 16% increase from the 1981 total of 1,502 complaints.

Perhaps surprisingly, petitions against juveniles for drug-abuse charges dwindled to 44 statewide, down from 52 petitions in 1981. Petitions against juveniles represented only 2.5% of the total drug abuse case filings in Idaho.

Child Abuse Complaints Stay Level

Amendments to the Child Protective Act which took effect in 1976 appear to be keeping down the number of formal petitions under the Act. The Department of Health and Welfare is now authorized to resolve informally certain complaints of child abuse, neglect or abandonment, which may explain the lower number of formal case filings which has been the trend since 1976. The 1982 total of 518 petitions was a decrease of 18 cases from the 1981 total.



Of the cases of neglect and abuse coming before the courts in 1982, the courts dealt finally with 543, compared with the 1981 total of 544 dispositions.

The trial courts disposed of about the same number of drug cases in 1982 as in 1981, making final judgments in 2,008 cases in 1982 as compared with 2,011 cases in 1981.

IDAHO CODE

23 VOLUMES

WITH 1982 CUMULATIVE SUPPLEMENTS

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